

REMARKS

By this Amendment, an Abstract is submitted on a separate sheet of paper and the pending claims are amended merely to clarify the recited subject matter. Claims 1-8 are pending.

The Office Action objected to claim 5 for alleged informalities by being multiply dependent on at least one other multiply dependent claim. Applicant directs the Office's attention to the preliminary amendments included in Item 25 of the Application Transmittal Letter filed January 29, 2001, which amended claim 5 to remove multiple dependencies. Based on that Amendment, the objection was improper and must be withdrawn.

The Office Action rejected claims 1-4 and 6-8 under 35 U.S.C. §103(a) as being unpatentable in view of Joensuu et al. (U.S. 5,966,653; hereafter "Joensuu") and Alperovich et al. (U.S. 6,459,680; hereafter "Alperovich"). Applicant traverses the rejection because the combined teachings of the cited references fail to teach or suggest a method for performing a USSD transfer for transmitting data between two parties, the method being comprising "determining the amount of data to be transmitted in the USSD transfer; and if the amount of data to be transmitted in the USSD transfer is likely to exceed a predetermined threshold, and if the mobile station is not involved in a call, directing the mobile station to call mode for performing the USSD transfer on the fast channel," as recited in independent claim 1 and its dependent claims 2-6. Similarly, the combined teachings of the cited references fail to teach or suggest an arrangement for a cellular communications network, the arrangement comprising "a first logic for determining the amount of data to be transmitted; and a second logic for initiating a call attempt for switching the USSD transfer to the fast channel if the amount of data to be transmitted in the USSD transfer is likely to exceed a predetermined threshold and if the mobile station is not involved in a call," as recited in independent claim 7 and its dependent claim 8.

The Office Action recognized that Joensuu fails to teach or suggest both determining an amount of data to be transmitted in an USSD transfer; and if the amount of data to be transmitted is likely to exceed a predetermined threshold, and if a mobile station is not involved in a call, directing the mobile station to call mode for performing the USSD transfer on a fast channel. However, the Office Action asserted that Alperovich remedies those deficiencies of Joensuu.

Nevertheless, Alperovich merely teaches determining an overall usage of SDCCH channels, and, if over-utilization of SDCCH channels is detected,

instructing mobile stations to delay requesting low-level mobile service from the network.

The Office Action specifically referred to column 2, lines 38 – 55 as teaching determining a “level of utilization of SDCCH channels” (line 42). However, Alperovich, read as a whole, clearly teaches that this determination involves determining the overall level of utilization of SDCCH channels in the entire coverage area of a base station controller but not the determination of an amount of data to be transmitted in a USSD transfer.

Moreover, the Office Action referred to the passage at column 7, line 60 - column 8, line 27, which further describes Alperovich’s monitoring and broadcasting of an overall level of utilization of SDCCH channels. In fact, that passage reads, in relevant part, that “[t]he transmitted broadcast message indicates the over-utilization of SDCCH logical channel resources within the current geographic area and instructs the receiving mobile stations to delay requesting low-level mobile service from the serving mobile network.” (column 8, lines 6-11). Thus, Alperovich teaches determining an overall usage of SDCCH channels, and, if over-utilization of SDCCH channels is detected, instructing mobile stations to delay requesting low-level mobile service from the network.

Thus, any hypothetical combination of Joensuu and Alperovich would fail to provide the claimed invention because, even assuming for argument’s sake that Alperovich’s detection of over-utilization of SDCCH were equated with the claimed determination of an amount of data to be transmitted in a USSD transfer(which it cannot be), the hypothetical combination of Joensuu and Alperovich would, in response to such detecting, merely instruct mobile stations to delay requesting low-level mobile service from the network.

To the contrary, the claimed invention involves a determination of the amount of data to be transmitted (in a single USSD transfer); and, if the amount is likely to exceed a predetermined threshold, and the mobile station is not involved in a call, then the mobile station is directed to call mode for switching the USSD transfer to the fast channel.

Accordingly, the combined teachings of Joensuu and Alperovich fail to teach or suggest determination of an amount of data to be transmitted in an USSD transfer; and if the amount of data to be transmitted is likely to exceed a

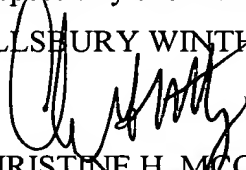
predetermined threshold, and if a mobile station is not involved in a call, direction of the mobile station to call mode for performing the USSD transfer on a fast channel, as recited in the rejected claims. Therefore, the rejection is traversed and claims 1-8 are allowable.

All objections and rejections having been addressed, Applicant requests issuance of a notice of allowance indicating the allowability of all pending claims. If anything further is necessary to place the application in condition for allowance, Applicant requests that the Examiner contact Applicant's undersigned representative at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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